

## **INSTRUCTION SHEET FOR COMPLAINT OF DIVORCE**

1. Filing fee is \$65.00
2. One of the parties must be a member of a Federally Recognized Tribe and reside within the exterior boundaries of the L'Anse Indian Reservation for the last 180 days upon filing.
3. Please fill out form completely prior to filing and SIGN before a Notary Public.
4. Once processed with the Clerk, the Complaint and Summons must be served upon the Defendant within 120 days.
5. Attach a sheet of assets including any vehicles with VIN# for distribution and allocation purposes.  
*NOTE: These are not final decisions.*
6. Refer to Title 26 Chapter 3 at [www.kbic-nsn.gov](http://www.kbic-nsn.gov) then go to Tribal Governance then Tribal Code.

**KEWEENAW BAY INDIAN COMMUNITY TRIBAL COURT  
TRIAL DIVISION  
L'ANSE INDIAN RESERVATION  
472 N. SUPERIOR AVENUE  
BARAGA, MICHIGAN 49908**

\_\_\_\_\_) )  
Plaintiff, ) )  
-vs- ) ) CASE NO. \_\_\_\_\_  
\_\_\_\_\_) )  
Defendant ) )

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**COMPLAINT FOR DIVORCE**

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**NOW** comes *(Plaintiff name)* \_\_\_\_\_ Plaintiff herein, by and for a cause of action, and in complaint against Defendant *(Defendant name)* \_\_\_\_\_, states unto the Court as follows, to wit:

1. That the Plaintiff resides at *(address)* \_\_\_\_\_, and is a member of the Keweenaw Bay Indian Community.
2. That Defendant *(Defendant name)* \_\_\_\_\_ currently resides at *(address)* \_\_\_\_\_ and has resided within the within the exterior boundaries of the L'Anse Federal Indian Reservation for a period in excess of 180 days immediately preceding the filing of this Complaint.
3. That the Plaintiff and Defendant have lived and cohabited together as husband and wife until on or about *(date separated)* \_\_\_\_\_.
4. That the Plaintiff and Defendant were married on *(date married)* \_\_\_\_\_, in *(City/State)* \_\_\_\_\_ by *(person who married you)* \_\_\_\_\_.
5. That the name of *(Plaintiff/Defendant)* \_\_\_\_\_ prior to said marriage was \_\_\_\_\_.
6. That during the term of marriage between the parties, *(number)* \_\_\_\_\_ children were born, to wit: *(Name/birthdates)* \_\_\_\_\_.
7. That there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

8. That during the time the said Plaintiff and Defendant lived and cohabited together as husband and wife; they have acquired certain personal property and financial obligations. *(Attach list)*.

**WHEREFORE**, and for all of the above reasons, your Plaintiff prays that Judgment be entered on his/her behalf granting the following relief.

A. That the Tribal Court enters a judgment dissolving the bonds of matrimony between the parties.

B. That the Court may adjudge a division and settlement of all rights in the property of the parties.

C. That the Court may award custody of the minor children born of the marriage, together with reasonable support therefore, to:

\_\_\_\_\_

D. \_\_\_\_\_.

**9. The Plaintiff/Defendant [ ] is [ ] is not pregnant at the time of the filing of this complaint.**

*Sign before a notary public*

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Date

I declare that the statements above are true to the best of my information, knowledge, or belief and understand that a knowingly false declaration is a contempt of court. *(sign before a notary public)*

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Date

**STATE OF MICHIGAN  
COUNTY OF BARAGA  
ACTING IN BARAGA COUNTY**

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

My Commission Expires: \_\_\_\_\_

Below are ways that you can serve a civil complaint upon another individual.

1. Certified mail. When you receive the green card back in the mail, the Court will need a copy of this. This will ensure proof of the date of service.
  - a. However, if the Defendant does not pick up the certified mail and it is returned to you, you will need to find another way to serve the civil complaint upon the individual.
2. Court Officer service. This is a service that requires an additional \$40 fee. Please provide the Court with an accurate address for the Defendant. The Court Officer will make attempts to serve until the Defendant is served. Once they are served, the Clerks will provide you a copy of the service via US Mail.
3. You may serve the Defendant personally with a witness who witnesses you serve the Defendant. This witness must be at least 18 years of age. This witness is to provide an affidavit of what they witnessed. Blank affidavits are available at the Court and are also available on our website. *Note that affidavits are to be notarized.*
4. You may have two other individuals serve your civil complaint on your behalf. One individual serves it and the other individual witnesses it being served. Both need to be at least 18 years of age and both need to provide an affidavit of these facts. *Note that affidavits are to be notarized.*

If the Defendant answers your civil complaint, they will provide the answer to the Court. The Clerks will make two copies, one for your records, and one copy to serve upon the Defendant. The Defendant will be required to serve you upon their answer in one of the above mentioned scenarios.

Once you receive your answer:

- If you are dissatisfied with your answer, you can call the Court to schedule your Court hearing.
- If you are satisfied with your answer –
  - You can either write to the Court your desire to close the proceeds, or
  - You can hold off on requesting a Court hearing until a later date.
    - (Perhaps they agreed to pay you within a certain time period. If they do not comply with that agreed upon arrangement, then you may request a Court hearing at that time).

If you do not receive an answer within 21 days from date of service (if served on the reservation) or 28 days from date of service (if served off the reservation or if served by certified mail), you may contact the Court and submit an Affidavit of Default. Once the Affidavit of Default is filed with the Court, the Clerk will prepare an Order of Default and a notice of hearing which will be scheduled at least fourteen days from the date you submit the Affidavit.

Please feel free to contact the Court if you have any questions.

**KEWEENAW BAY INDIAN COMMUNITY TRIBAL COURT  
TRIAL DIVISION  
L'ANSE INDIAN RESERVATION  
472 N. SUPERIOR AVENUE  
BARAGA, MICHIGAN 49908**

\_\_\_\_\_  
**PLAINTIFF,**

-VS-

\_\_\_\_\_  
**DEFENDANT,**

\_\_\_\_\_  
**CASE NO.**

**AFFIDAVIT OF DEFAULT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_,

\_\_\_\_\_, being first duly sworn, deposes and says:

1. That Affiant is the Plaintiff in the above-entitled cause.
2. The defendant, \_\_\_\_\_, was served with Plaintiff's Summons and Complaint on the \_\_\_\_ day of \_\_\_\_\_, as evidenced by the Acknowledgement of Service on file with this Honorable Court.
3. That said Defendant has not filed nor served an answer, or taken such other action as may be permitted by law, although more than \_\_\_\_ days have elapsed since the date of service.
4. That the Plaintiff's Complaint filed in the above-entitled cause is hereby taken as confessed.
5. Further, Affiant sayeth not.

\_\_\_\_\_  
Signature of Plaintiff

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_, COUNTY, STATE OF \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

"Acting in \_\_\_\_\_ County"